

Passage of antismoking bills provides a lesson in lobbying

Charlotte Gray

Finally, after a 13-month struggle, Canada will have some of the toughest antitobacco legislation in the industrialized world. Thanks to two bills which whistled through the Commons May 31, tobacco advertising and promotion will be banned, and smoking prohibited in all federal offices and agencies and on federally regulated trains, planes and boats. "The two bills send a clear message that parliamentarians regard health care as extremely important, and are concerned about the ill effects of cigarettes", says Dr. Bruce Halliday, a Conservative MP.

Passage of the bills was remarkable for several reasons. For one, it constitutes a rare triumph of a public-interest lobby over a corporate one. Last year five groups formed a "tobacco war party" to urge a skittish government to introduce its promised antismoking legislation. Its members ranged from the Non-Smokers' Rights Association, led by the fiercely intense Garfield Mahood, to the CMA, whose chief spokesman, Doug Geekie, was anxious to promote the legislation without hurting the association's reputation. Also on board were the Canadian Cancer Society, the Canadian Council on Smoking and Health, and Physicians for a Smoke-Free Canada. Meeting at least twice a month to



Doug Geekie (left), Dr. Athol Roberts and Dr. Lloyd Bartlett make CMA's case about Bill C-51 to MPs

plan strategy and timing, the five organizations made a concerted effort to exploit individual strengths.

The CMA, for example, enlisted the support of dentists', nurses' and pharmacists' associations and orchestrated a letter-writing and phone-in campaign by its members. It also targeted key parliamentarians — Deputy Prime Minister Don Mazankowski, Liberal House Leader Herb Gray, New Democrat House Leader Nelson Riis — whose support was needed to get Bill C-51 through the House.

"I was surprised at the degree to which we were able to activate doctors", comments Geekie. "Close to 5000 wrote letters, and a comparable number

phoned." Outside of the Canada Health Act, this constitutes the most extensive single-issue lobbying effort ever mounted by the association, and cost in the neighbourhood of \$90 000.

But muscle was needed to counter muscle, especially those being flexed by an industry fighting for its life. Last fall the war party thought both bills had been killed by the tobacco lobby's clout. "When you've got Bill Neville [Joe Clark's chief-of-staff when he was prime minister] working for you", says Geekie of the industry's chief lobbyist, "you've got the best."

However, the bills remained a health issue, despite the industry's vain attempts to move the argument onto different ground.

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The tobacco companies tried to focus debate on the issue of freedom of expression. "Even though the cause sounds good", argued Neville, "the means are just unacceptable in a free society."

Ron Stewart, a Tory MP who fought a bitter fight against the legislation, objects to the government placing controls on Canadians' lifestyles. "What's next? Bans on red meat, booze, candy? We know they're bad for us. And C-204 [the private member's bill that regulates smoking in the workplace] is unenforceable. It will make crooks out of honest people."

Opponents also warned that restrictions on cigarette advertising here will open the door to American brands because we will still see tobacco ads in foreign magazines, which account for an estimated 66% of all sales here. "Don't kid yourself, we'll be Marlboro country", says Stewart. MPs with tobacco farmers in their ridings were particularly swayed by this point.

But the war party's constant emphasis that the legislation was about health, and nothing else, paid off. Each time a CMA member called his MP, he lent weight to this approach. "Health promotion" proved an easier sell than the rights of a declining number of smokers.

The timing for both bills was crucial — key opponents were out of Ottawa at the end of May. Neville, for instance, was at a Canadian Broadcasting Corpora-

tion Board of Directors meeting in Stratford, Ont., while Stewart was attending a conference in Italy. Many MPs were in their ridings, conscious of an impending election. According to a

member of the prime minister's staff, "It would have been a very different result with a full house."

The big surprise was the passage of C-204, which was put

forward by New Democrat MP Lynn McDonald. While the government's bill (C-51) would ban advertising and phase out tobacco promotion, McDonald's is a far tougher one that would give federal employees the right to work in a smoke-free workplace.

Her bill — she promoted it ferociously — was the first private member's bill to work its way through the system under new Commons' rules. The government introduced its own bill for third reading the same day as McDonald's was called, hoping to upstage her, and made clear that its members were expected to defeat C-204. But the strategy failed. Many backbenchers resented the pressure to vote against the bill, given that parliamentary reform was supposed to liberate them from their role as trained seals.

from the House — they wanted backbenchers' independence upheld. The following week McCrossan introduced his own bill to regulate bank service charges.

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Will the legislation open the door for American brands? "Don't kid yourself", says Tory MP Ron Stewart. "We'll be Marlboro country."

"Cabinet voted against Lynn's bill to a man — and woman", says Geekie, who worked the lobbies energetically the day of the vote. "I thought we were doomed because the backbenchers would see all the heavyweights against us."

But in an unprecedented display of independence, McDonald's bill passed. Says Halliday: "It showed the leaders of all three parties that backbenchers want to be heard."

McDonald's victory exasperated Tory strategists, since it meant that she, rather than the government, scored political points. And diehard Conservatives like Stewart were furious: "It only passed because a lot of bleeding hearts on our side supported the NDP."

Within 2 weeks of the bills' passage the antismoking lobby had two further pieces of good news. In the US the courts supported a hefty damages award to the husband of a woman who died of lung cancer. This demonstrated a major shift in judicial opinion. And on June 14, McDonald's bill cleared its next major hurdle when the Senate decided it did not require committee debate or amendment.

"This is an issue where Canada really is a world leader", remarks Geekie. "We're getting lots of enquiries from medical associations elsewhere. They want to know about our legislation, and how we reached this stage." ■

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In fact, two Tory MPs, Paul McCrossan and Arnold Malone, worked the caucus, winning over support and persuading those who felt they couldn't support McDonald's bill to stay away